

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Young-hoon KIM

Application No.: 10/750,769

Group Art Unit: 2625

Filed: January 5, 2004

Examiner: Negussie Worku

For: NETWORK FACSIMILE AND METHOD OF OPERATION THE SAME

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Alexandria, Virginia 22313

Sir:

In response to the Office Action mailed on January 30, 2008, Applicant provisionally elects Species I with traverse.

The Applicant respectfully submits that the restriction requirement is improper for at least the following reasons.

The Examiner alleges that:

Species I is directed to FIG. 1;

Species II is directed to FIG. 6;

Species III is directed to FIG. 10;

Species IV is directed to FIG. 11; and

Species (none stated) is directed to FIG. 13;

Applicant respectfully submits that Species I and II are both directed to claims 1 -15 and 17 -19, which are generic claims reciting a method of operating a network facsimile, wherein the network facsimile performs both functions of transmitting and/or receiving an electronic mail to and/or from a mail server and a facsimile function, the method includes storing the received facsimile data, converting the stored facsimile data into a form of an electronic mail and transmitting the converted data to the mail server, and determining whether the facsimile data is completely received.

On page 2 of the Office Action dated January 30, 2008, the Examiner alleges that Species I, II, III, IV and Species (none recited) are independent or distinct because "they are disclosed in the Specification and Drawing as being embodied in multiple patentably distinct embodiments." The Examiner further alleges that Applicant is "required under 35 U.S.C 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no claim is finally held to be allowable." Furthermore, the Examiner has indicated that currently independent claims 1 and 20 are generic.

However, Applicant respectfully submits that Species I and II overlap in scope and are therefore are not distinct. For instance, Species I is directed to Figures 1-5 and claims 1-15 and 17-19 and Species II is directed to Figures 6-7 and claims 1 – 19. Therefore, Species II incorporates the features and elements as recited within claims 1-15 and 17-19, which are directed to Species I, and further includes the features and elements as recited in claim 16. In particular, Species II further defines the general inventive concept of the present invention represented by Species I by further defining that the operation of storing the received facsimile data comprises setting a state indicating that there is no printing paper, determining whether new printing paper is supplied, and then releasing the state if the state is set.

Further, it is respectfully submitted that a field of search to encompass the recitations of Species I need not be greatly expanded to encompass the recitations of Species II.

In view of the foregoing reasons, the Applicant respectfully requests that the restriction be withdrawn upon reconsideration.

In addition, the Applicant understands that upon allowance of at least generic claims 1 and 20, Applicant will be entitled to consideration of claims to non-elected species that are written in independent form or otherwise include all of the limitations of an allowed generic claim.

Respectfully submitted,

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Date: February 28, 2008

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